

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1821 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 12-10-11-2, AS AMENDED BY P.L.145-2006,
4 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2007]: Sec. 2. (a) The board consists of the following ~~fifteen~~
6 ~~(15)~~ **thirty-one (31)** members:
7 (1) The director of the division of family resources or the
8 director's designee.
9 (2) The chairman of the Indiana state commission on aging or the
10 chairman's designee.
11 (3) Three (3) citizens at least sixty (60) years of age, nominated
12 by two (2) or more organizations that:
13 (A) represent senior citizens; and
14 (B) have statewide membership.
15 (4) One (1) citizen less than sixty (60) years of age nominated by
16 one (1) or more organizations that:
17 (A) represent individuals with disabilities; and
18 (B) have statewide membership.
19 (5) One (1) citizen less than sixty (60) years of age nominated by
20 one (1) or more organizations that:
21 (A) represent individuals with mental illness; and
22 (B) have statewide membership.
23 (6) One (1) provider who provides services under IC 12-10-10.
24 (7) One (1) licensed physician, nurse, or nurse practitioner who

specializes either in the field of gerontology or in the field of disabilities.

(8) Two (2) home care services advocates or policy specialists nominated by two (2) or more:

(A) organizations;

(B) associations; or

(C) nongovernmental agencies;

that advocate on behalf of home care consumers, including an organization listed in subdivision (3) that represents senior citizens or persons with disabilities.

(9) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.

(10) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

(11) After June 30, 2007, the following fourteen (14) members:

(A) One (1) licensed physician experienced in home health care.

(B) One (1) licensed physician with certification in hospice and palliative medicine.

(C) One (1) individual engaged in the administration of a nonhospital based home health agency.

(D) One (1) individual engaged in the administration of a hospital based home health agency.

(E) One (1) individual engaged in the administration of:

(i) a nonhospital based hospice; or

(ii) a hospice licensed under IC 16-25-3 that provides in-patient care.

(F) One (1) individual engaged in the administration of a hospital based hospice.

(G) One (1) registered nurse who is licensed under IC 25-23 and experienced in home health care.

(H) One (1) registered nurse who is licensed under IC 25-23 with certification in hospice and palliative medicine.

(I) One (1):

(i) physical therapist licensed under IC 25-27;

(ii) occupational therapist certified under IC 25-23.5; or

(iii) speech-language pathologist licensed under IC 25-35.6;

experienced in home health care.

(J) One (1) citizen having knowledge of or experience in hospice care.

(K) One (1) citizen having knowledge of or experience in

- 1 home health agency care.
- 2 **(L) One (1) registered pharmacist who is licensed under**
- 3 **IC 25-26 with experience in hospice and palliative**
- 4 **medicine.**
- 5 **(M) One (1) respiratory care practitioner who is licensed**
- 6 **under IC 25-34.5 and experienced in home care.**
- 7 **(N) One (1) individual who is a bereavement counselor**
- 8 **with experience in hospice care.**
- 9 **(12) After June 30, 2007, the state health commissioner or the**
- 10 **state health commissioner's designee.**
- 11 **(13) After June 30, 2007, the secretary of family and social**
- 12 **services or the secretary's designee.**

13 The members of the board listed in subdivisions (9) and (10) are
14 nonvoting members.

15 (b) The members of the board designated by:

- 16 **(1) subsection (a)(3) through (a)(8); and**
- 17 **(2) subsection (a)(11);**

18 shall be appointed by the governor for terms of two (2) years. In case
19 of a vacancy, the governor shall appoint an individual to serve for the
20 remainder of the unexpired term. **However, the initial members of the**
21 **board designated by subsection (a)(11) shall be the members of the**
22 **home health care services and hospice services council appointed**
23 **by the governor under IC 16-27-0.5-1(c) (before its repeal on July**
24 **1, 2007). The term of an initial member of the board designated by**
25 **subsection (a)(11) expires when the member's term on the home**
26 **health care services and hospice services council would have**
27 **expired, if not for the repeal of IC 16-27-0.5-1 (repealed on July 1,**
28 **2007). The governor may reappoint a initial member of the board**
29 **designated by subsection (a)(11) upon the expiration of the**
30 **member's term, as determined under this subsection.**

31 (c) The division shall establish notice and selection procedures to
32 notify the public of the board's nomination process described in this
33 chapter. Information must be distributed through:

- 34 (1) the area agencies on aging; and
- 35 (2) all organizations, associations, and nongovernmental agencies
- 36 that work with:
 - 37 **(A) the division on home care issues and programs; or**
 - 38 **(B) the state department of health on home health care**
 - 39 **services and hospice services.**

40 (d) Except for the members of the board designated by
41 **subsection (a)(11)(C) through (a)(11)(F), a member of the council**
42 **may not:**

- 43 **(1) have an ownership interest in the operation of; or**
- 44 **(2) serve as a voting member on the governing body of;**
- 45 **a home health agency licensed under this article or a hospice**
- 46 **licensed under IC 16-25.**

47 SECTION 2. IC 12-10-11-8, AS AMENDED BY P.L.137-2005,

SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a)** The board shall do the following:

(1) Establish long term goals of the state for the provision of a continuum of care for the elderly and disabled based on the following:

(A) Individual independence, dignity, and privacy.

(B) Long term care services that are:

(i) integrated, accessible, and responsible; and

(ii) available in home and community settings.

(C) Individual choice in planning and managing long term care.

(D) Access to an array of long term care services:

(i) for an individual to receive care that is appropriate for the individual's needs; and

(ii) to enable a case manager to have cost effective alternatives available in the construction of care plans and the delivery of services.

(E) Long term care services that include home care, community based services, assisted living, congregate care, adult foster care, and institutional care.

(F) Maintaining an individual's dignity and self-reliance to protect the fiscal interests of both taxpayers and the state.

(G) Long term care services that are fiscally sound.

(2) Review state policies on community and home care services.

(3) Recommend the adoption of rules under IC 4-22-2.

(4) Recommend legislative changes affecting community and home care services.

(5) Recommend the coordination of the board's activities with the activities of other boards and state agencies concerned with community and home care services.

(6) Evaluate cost effectiveness, quality, scope, and feasibility of a state administered system of community and home care services.

(7) Evaluate programs for financing services to those in need of a continuum of care.

(8) Evaluate state expenditures for community and home care services, taking into account efficiency, consumer choice, competition, and equal access to providers.

(9) Develop policies that support the participation of families and volunteers in meeting the long term care needs of individuals.

(10) Encourage the development of funding for a continuum of care from private resources, including insurance.

(11) Develop a cost of services basis and a program of cost reimbursement for those persons who can pay all or a part of the cost of the services rendered. The division shall use this cost of services basis and program of cost reimbursement in

administering IC 12-10-10. The cost of services basis and program of cost reimbursement must include a client cost share formula that:

(A) imposes no charges for an eligible individual whose income does not exceed one hundred fifty percent (150%) of the federal income poverty level; and

(B) does not impose charges for the total cost of services provided to an individual under the community and home options to institutional care for the elderly and disabled program unless the eligible individual's income exceeds three hundred fifty percent (350%) of the federal income poverty level.

The calculation of income for an eligible individual must include the deduction of the individual's medical expenses and the medical expenses of the individual's spouse and dependent children who reside in the eligible individual's household.

(12) Establish long term goals for the provision of guardianship services for adults.

(13) Coordinate activities and programs with the activities of other boards and state agencies concerning the provision of guardianship services.

(14) Recommend statutory changes affecting the guardianship of indigent adults.

(15) Review a proposed rule concerning home and community based services as required under section 9 of this chapter.

(16) Carry out the duties assigned to the board under IC 16-27-0.5 and IC 16-25-3-2.5."

Delete page 2.

Page 3, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 4. IC 16-18-2-150 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 150. (a) "Governing body", for purposes of IC 16-22-7, has the meaning set forth in IC 16-22-7-2.

~~(b) "Governing body", for purposes of IC 16-27-0.5, has the meaning set forth in IC 16-27-0.5-0.5.~~

~~(c)~~ **(b)** "Governing body", for purposes of IC 16-41-22, has the meaning set forth in IC 16-41-22-3.

SECTION 5. IC 16-25-3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. The state department shall administer this chapter with the advice of the ~~home health care services and hospice services council established by IC 16-27-0.5-1.~~ **community and home options to institutional care for the elderly and disabled board established by IC 12-10-11-1.**

SECTION 6. IC 16-27-0.5-0.5, AS ADDED BY P.L.152-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.5. As used in this chapter, "~~governing body~~"

means the board of trustees, governing board, board of directors, or other body responsible for governing a home health agency or a hospice. **"board" refers to the community and home options to institutional care for the elderly and disabled board established by IC 12-10-11-1.**

SECTION 7. IC 16-27-0.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. Subject to the rulemaking authority granted in IC 16-25 and IC 16-27, the ~~council~~ **board** shall do the following:

(1) Propose the adoption of rules by the state department under IC 4-22-2 governing the following:

(A) Health and sanitation standards necessary to protect the health, safety, security, rights, and welfare of home health care patients and hospice patients.

(B) Qualifications of applicants for licenses issued under IC 16-25 and IC 16-27.

(2) Recommend to other state agencies or governing bodies rules necessary to protect the health, safety, security, rights, and welfare of home health care patients and hospice patients.

(3) Act as an advisory body for the division, state health commissioner, and state department.

SECTION 8. IC 16-27-0.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The ~~council~~ **board** may recommend interpretive guidelines when necessary to assist a home health agency or hospice in meeting the requirements of a rule.

SECTION 9. IC 16-27-0.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The state department may request the ~~council~~ **board** to propose a new rule or an amendment to a rule necessary to protect the health, safety, rights, and welfare of the home health care patients and hospice patients. If the ~~council~~ **board** does not propose a rule within ninety (90) days after the state department's request, the state department may propose the rule.

(b) The executive board shall consider rules proposed by the ~~council~~ **board** under this section and section 7 of this chapter. The executive board may adopt, modify, remand, or reject specific rules or parts of rules proposed by the ~~council~~ **board**.

(c) To become effective, all rules proposed by the ~~council~~ **board** under this chapter must be adopted by the executive board in accordance with IC 4-22-2."

Page 17, between lines 5 and 6, begin a new paragraph and insert:
"SECTION 41. THE FOLLOWING ARE REPEALED

- 1 [EFFECTIVE JULY 1, 2007]: IC 16-27-0.5-1; IC 16-27-0.5-2;
- 2 IC 16-27-0.5-3; IC 16-27-0.5-4 ; IC 16-27-0.5-5; IC 16-27-0.5-6."
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1821 as printed February 9, 2007.)

Representative Brown T